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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,794	01/28/2000	Michael F. Giesler	PM 255690	2672
20995	7590 02/28/2006		EXAM	INER
KNOBBE M 2040 MAIN S	MARTENS OLSON &	WEISBERGER, RICHARD C		
FOURTEEN			ART UNIT	PAPER NUMBER
IRVINE, CA	92614		3624	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
		09/493,794	GIESLER ET AL.			
	Office Action Summary	Examiner	Art Unit			
		Richard C Weisberger	3624			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SH WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DA nsions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. O period for reply is specified above, the maximum statutory period we to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim fill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	I. lely filed the mailing date of this communication. O (35 U.S.C. § 133).			
Status						
1)⊠	1) Responsive to communication(s) filed on <u>121/08/2005</u> .					
, ——	This action is FINAL . 2b)⊠ This action is non-final.					
3)[Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	33 O.G. 213.			
Disposit	ion of Claims					
4)🖂	4)⊠ Claim(s) <u>1-25 and 31-34</u> is/are pending in the application.					
	4a) Of the above claim(s) <u>11-25 and 31-34</u> is/are withdrawn from consideration.					
5)□	5) Claim(s) is/are allowed.					
6)⊠	☑ Claim(s) <u>1-10</u> is/are rejected.					
•	Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/or election requirement.						
Applicati	ion Papers					
9)[The specification is objected to by the Examine	r.				
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority (under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachme	nt(e)					
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
2) Notice	ce of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da				
	mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) or No(s)/Mail Date	аселі Аррікаціон (РТО-192)				

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DETAILED ACTION

1. Applicant's election without traverse of claims 1-10 in the reply filed on 6/25/2002 is acknowledged.

2. This application contains claims 11-25 and 31-34 are drawn to an invention nonelected with traverse in dated 6/25/2002. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 112

- 3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Following the decision of Ex parte Lyell, a single claim may not be directed to more than one statutory invention. In this case, the preamble of claim 1 is directed to a product, yet the limitations are directed to both a product and a method. The method step includes a member generating and transmitting data. Therefor, the claim is indefinite. The enterprise resource (erp) planning system of claim 1 is indefinite in scope. It is not clear what functionality is essential to this system nor is it clear what component make up this system, nor is it clear where is resides and is configured, particularly with respect to the system of the preamble.

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Claim Rejections - 35 USC § 102

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5. Claim 1-10 is rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Press Release of 1999.

The applicant argues that the press release, dated August 1999, does not qualify under 35 U.S.C. 102(b) and is correct. The rejection has been amended to one under 102(a). The applicant is invited to file an affidavit under 37 CFR 1.131.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached on maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vince Millin. The phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard C Weisberger Primary Examiner

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